

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7170

BILL NUMBER: HB 1452

NOTE PREPARED: Jan 5, 2003

BILL AMENDED:

SUBJECT: Abortion Facility Licensing and Inspections.

FIRST AUTHOR: Rep. Welch

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: This bill requires the State Department of Health to establish procedures for the inspection and licensure of medical facilities that perform abortions. The bill authorizes the Attorney General to seek an injunction against or prosecute an unlicensed medical facility that is providing abortions. It also permits the State Health Commissioner to take certain actions if a medical facility that provides abortions is violating the statute or rules adopted by the State Department. The bill requires the State Department to create an appellate panel to review proceedings of an administrative law judge under the statute. The bill also makes it a Class A misdemeanor to operate or advertise the operation of an unlicensed medical facility that provides abortions.

Effective Date: July 1, 2003.

Explanation of State Expenditures: There are 11 clinics affected by this bill which would need to be licensed by the State Department of Health (SDH). The Department can adopt rules and conduct the necessary surveys and licensing procedures within the existing level of resources available. The ultimate cost of this bill would be dependent upon administrative actions taken in specific circumstances.

Explanation of State Revenues: The Department of Health does not currently have a licensing fee for outpatient surgical centers. Although the bill allows for a licensing and inspection fee not to exceed \$200, the Commissioner may waive the fee. No impact on licensing revenue would be anticipated as a result of this bill at this time.

The bill creates a new Class A misdemeanor for operating or advertising the operation of an unlicensed medical facility that performs abortions. If additional court cases occur as a result of the provisions of the

bill, and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: State Department of Health, Attorney General's Office.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Zach Cattell, Legislative Liaison for the Department of Health, (317) 233-2170.

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